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Attorneys for Plaintiff
B&O Manufacturing, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

B&O MANUFACTURING, INC.,

Plaintiff,
v.

HOME DEPOT U.S.A., INC.,

Defendant.

Case No.: C 07-02864 JSW

**STIPULATION AND [PROPOSED]
ORDER CONTINUING HEARING DATE
ON DEFENDANT'S MOTION TO
DISMISS THIRD AMENDED
COMPLAINT**

IT IS HEREBY STIPULATED by and between Plaintiff, through its attorneys of record, and Defendant, through its attorneys of record, as follows:

1. As counsel for Plaintiff is scheduled for trial in Santa Clara Superior Court, action number 1-07-CV-082907, beginning June 16, 2008, Plaintiff's counsel is unavailable to attend the hearing currently set for June 20, 2008.

2. The parties request that the Court continue the hearing date to July 18, 2008, at 9:00 a.m., a date suggested by the Court clerk.

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Dated: April 24, 2008

RICE & BRONITSKY

By: /s/ Paul E. Rice

Paul E. Rice
Attorneys for Plaintiff
B&O MANUFACTURING, INC.

Dated: April 24, 2008

BONDURANT, MIXSON & ELMORE,
LLP

By: /s/ Ronan P. Doherty

Ronan P. Doherty
Christopher T. Giovinazzo
Attorneys for Defendant
Home Depot U.S.A., Inc.

IT IS SO ORDERED.

Date: _____

Jeffrey S. White
United State District Judge